

HOUSE BILL No. 1292

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-6; IC 9-13-2; IC 9-24; IC 20-19-2-8; IC 20-25-13-5; IC 20-27-8-10; IC 20-28-11-4; IC 20-32-5-17; IC 20-33-3.

Synopsis: Commission on driver education. Establishes the Indiana driver's education commission, charged with consulting and advising the Indiana criminal justice institute and recommending the adoption, amendment, or repeal of rules concerning driver education. Requires the Indiana criminal justice institute to administer the licensing of: (1) approved driver education courses; (2) approved motorcycle driver education and training courses; and (3) truck driving training schools. Transfers rules adopted by the state board of education, the Indiana commission on proprietary education, and the bureau of motor vehicles concerning driver education programs to the Indiana criminal justice institute. Makes conforming amendments.

Effective: Upon passage; July 1, 2010.

Burton

January 12, 2010, read first time and referred to Committee on Roads and Transportation.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

HOUSE BILL No. 1292

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.130-2009,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]: Sec. 3. The institute is established to do the following:
4 (1) Evaluate state and local programs associated with:
5 (A) the prevention, detection, and solution of criminal
6 offenses;
7 (B) law enforcement; and
8 (C) the administration of criminal and juvenile justice.
9 (2) Improve and coordinate all aspects of law enforcement,
10 juvenile justice, and criminal justice in this state.
11 (3) Stimulate criminal and juvenile justice research.
12 (4) Develop new methods for the prevention and reduction of
13 crime.
14 (5) Prepare applications for funds under the Omnibus Act and the
15 Juvenile Justice Act.
16 (6) Administer victim and witness assistance funds.
17 (7) Administer the traffic safety functions assigned to the institute



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under IC 9-27-2.

(8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.

(9) Serve as the criminal justice statistical analysis center for this state.

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

(12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

(13) Establish, maintain, and operate, subject to specific appropriation by the general assembly, a web site containing a list of properties (as defined in IC 5-2-6-19(b)) that have been used as the site of a methamphetamine laboratory.

(14) Develop and manage the gang crime witness protection program established by section 21 of this chapter.

(15) Identify grants and other funds that can be used to fund the gang crime witness protection program.

(16) ~~After December 31, 2008;~~ Administer the licensing of:

(A) commercial driver training schools; and

(B) instructors at commercial driver training schools.

(17) Administer any sexual offense services.

(18) Administer domestic violence programs.

(19) Administer assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.

(20) Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.

(21) Administer the family violence and victim assistance fund under IC 5-2-6.8.

(22) After December 31, 2010, administer the licensing of:

(A) approved driver education courses (as defined in IC 9-13-2-4);

(B) approved motorcycle driver education and training courses (as defined in IC 9-13-2-5); and

(C) truck driving training schools (as defined in IC 9-13-2-188.5).

SECTION 2. IC 5-2-6-24 IS ADDED TO THE INDIANA CODE

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1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2010]: **Sec. 24. (a) As used in this section, "commission" refers**
3 **to the Indiana driver's education commission established by**
4 **subsection (b).**

5 **(b) The Indiana driver's education commission is established to**
6 **advise the executive director of the institute in the administration**
7 **of this article.**

8 **(c) The commission is composed of eight (8) members as follows:**

9 **(1) One (1) member to be appointed by the commissioner of**
10 **the bureau of motor vehicles.**

11 **(2) One (1) member to be appointed by the state**
12 **superintendent of public instruction.**

13 **(3) One (1) member to be appointed by the executive director**
14 **of the institute.**

15 **(4) Five (5) members to be appointed by the governor of**
16 **whom:**

17 **(A) one (1) member must be from the field of law**
18 **enforcement;**

19 **(B) two (2) members must be providers of driver education**
20 **in a public school; and**

21 **(C) two (2) members must be representatives of**
22 **commercial driver training schools (as defined in**
23 **IC 5-2-6.5-5).**

24 **(d) A member of the commission appointed under subsection (c)**
25 **serves a three (3) year term. A person may not serve more than two**
26 **(2) consecutive full terms. Each appointed member serves until the**
27 **member's successor is duly appointed and qualified.**

28 **(e) A member of the commission may be removed for good**
29 **cause.**

30 **(f) A vacancy on the commission shall be filled by appointment**
31 **for the unexpired term by the individual making the original**
32 **appointment.**

33 **(g) A member of the commission is entitled to receive the**
34 **expenses and per diem allowed by law.**

35 **(h) The members of the commission shall annually elect a**
36 **chairperson of the commission from among the members at the**
37 **first meeting of the year.**

38 **(i) The commission shall meet during the first month of each**
39 **year. Additional meetings may be convened upon the written**
40 **request of any three (3) members.**

41 **(j) Five (5) members of the commission constitute a quorum for**
42 **doing business. The majority vote of the members of the quorum,**

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present and voting, is required for the passage of a matter put to a vote of the commission.

(k) The commission is vested with the following powers:

(1) To consult with and advise the institute.

(2) To recommend the adoption, amendment, or repeal of rules, including the following:

(A) Driver education objectives.

(B) Driver education program requirements.

(C) Driver education curricula.

(D) Driver education instructor qualifications.

SECTION 3. IC 5-2-6-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010] Sec. 25. (a) As used in this section, "approved driver education course" has the meaning set forth in IC 9-13-2-4.

(b) To establish or operate an approved driver education course, a driver education school must obtain a driver education program license from the institute in the manner and form prescribed by the institute.

(c) The institute shall determine by rule under IC 4-22-2 the manner of establishment and maintenance of minimum standards for driver education programs (including classroom instruction and practice driving), schools, and equipment. Classroom instruction standards established under this subsection must include instruction concerning:

(1) railroad-highway grade crossing safety; and

(2) the procedure for participation in the human organ donor program;

and must provide that the classroom instruction may not be provided to a child who is less than fifteen (15) years and one hundred eighty (180) days of age.

SECTION 4. IC 5-2-6-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 26. (a) As used in this section, "approved motorcycle driver education and training course" has the meaning set forth in IC 9-13-2-5.

(b) To establish or operate an approved motorcycle driver education and training course, a motorcycle driver education school must obtain a motorcycle driver education and training school license from the institute in the manner and form prescribed by the institute.

(c) The institute shall adopt rules under IC 4-22-2 that state the requirements for:

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- (1) obtaining a motorcycle driver education and training school license;
- (2) obtaining a certification to teach motorcycle driver education; and
- (3) motorcycle operator safety education courses.

The rules must provide that a student in a motorcycle operator safety education course must be at least fifteen (15) years of age.

SECTION 5. IC 5-2-6-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 27. (a) As used in this section, "truck driving training school" has the meaning set forth in IC 9-13-2-188.5.**

(b) To establish or operate a truck driving training school, a school must obtain a truck driver training school license from the institute in the manner and form prescribed by the institute.

(c) The institute shall adopt rules under IC 4-22-2 that state the requirements for obtaining a truck driver training school license.

SECTION 6. IC 5-2-6-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 28. The institute shall establish a uniform course of instruction and shall provide instructors, adequate meeting facilities, registration forms, and other necessary materials for the preservice school bus driver safety education meetings required by IC 20-27-8-10.**

SECTION 7. IC 5-2-6-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 29. The rules adopted under IC 4-22-2 by the state board of education before July 1, 2010, concerning the establishment and maintenance of minimum standards for driver education programs, including classroom instruction and practice driving, and equipment are considered after June 30, 2010, rules of the institute.**

SECTION 8. IC 5-2-6-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 30. The rules adopted under IC 4-22-2 by the Indiana commission on proprietary education before July 1, 2010, concerning truck driving training schools are considered after June 30, 2010, rules of the institute.**

SECTION 9. IC 5-2-6-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 31. The rules adopted under IC 4-22-2 by the bureau of motor vehicles before July 1, 2010, concerning driver education programs are considered after June 30, 2010, rules of the**

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Indiana criminal justice institute.

SECTION 10. IC 9-13-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. "Approved driver education course" means a course offered by a high school or driver education school that the ~~superintendent of public instruction~~ **Indiana criminal justice institute** periodically designates as approved, after taking into consideration the standards and methods of instruction necessary to ensure adequate training for the operation of a motor vehicle.

SECTION 11. IC 9-13-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. "Approved motorcycle driver education and training course" means:

(1) a course offered by a public or private secondary school, a new motorcycle dealer, or other driver education school offering motorcycle driver training as developed and approved by the ~~superintendent of public instruction and the bureau~~; **Indiana criminal justice institute**; or

(2) a course that is offered by a commercial driving school or new motorcycle dealer and that is approved by the ~~bureau~~; **Indiana criminal justice institute**.

SECTION 12. IC 9-13-2-188.5, AS AMENDED BY P.L.2-2007, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 188.5. "Truck driver training school" means a postsecondary proprietary educational institution (as defined in IC 21-17-1-13) located in Indiana and accredited by the Indiana ~~commission on proprietary education or a state educational institution~~ **criminal justice institute** that:

(1) educates or trains a person; or

(2) prepares a person for an examination or a validation given by the bureau;

to operate a truck as a vocation.

SECTION 13. IC 9-24-6-5.3, AS AMENDED BY P.L.2-2007, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5.3. (a) The owner of a truck driver training school or a state educational institution that operates a truck driver training school as a course of study must notify the ~~bureau~~; **Indiana criminal justice institute**:

(1) of a student's completion of a course of the truck driver training school immediately after the student completes the course; or

(2) of the termination of a student's instruction in the truck driver training school immediately after the student's instruction

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terminates.

(b) In addition to satisfying the requirements of IC 21-17-3-12(a), the owner of a truck driver training school must retain records relating to each student of the truck driver training school for not less than six (6) years.

SECTION 14. IC 9-24-6-5.5, AS AMENDED BY P.L.2-2007, SECTION 144, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5.5. (a) A truck driver training school accredited by the Indiana ~~commission on proprietary education~~ **criminal justice institute** is subject to rules adopted by the Indiana ~~commission on proprietary education~~ **criminal justice institute**.

(b) A:

(1) student of a truck driver training school; and

(2) truck driver training school;

are subject to applicable rules adopted by the department of state revenue.

SECTION 15. IC 9-24-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) The bureau shall issue a temporary motorcycle learner's permit to an individual who meets the following conditions:

(1) Is at least fifteen (15) years of age.

(2) Is enrolled in an approved motorcycle driver education and training course.

(3) Presents a certificate of enrollment to the bureau.

(4) Is not ineligible under IC 9-24-2-1.

(b) The bureau shall validate a temporary motorcycle learner's permit upon certification by the instructor of an approved motorcycle driver education and training course that the holder has satisfactorily completed the course and passed the written test described in section 4 of this chapter.

(c) The holder of a validated temporary motorcycle learner's permit may only operate a motorcycle under the following conditions:

(1) The holder must wear a helmet that meets the standards established by the United States Department of Transportation under 49 CFR 571.218 as in effect January 1, 1979.

(2) The motorcycle may be operated only during daylight hours.

(3) The motorcycle may not carry passengers other than the operator.

(4) The holder must be under the supervision of a licensed motorcycle operator who must be at least eighteen (18) years of age.

(d) A temporary motorcycle learner's permit authorizes the permit

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holder to operate a motorcycle upon a highway while enrolled in an approved motorcycle driver education and training course and only when the holder is under the direct supervision of an instructor who has received training in the use and operation of motorcycles and who has been

(1) certified to teach motorcycle driver education by the ~~state board of education; or~~

(2) ~~approved as a motorcycle instructor by the bureau of motor vehicles.~~ **Indiana criminal justice institute.**

SECTION 16. IC 9-24-8-4, AS AMENDED BY P.L.156-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) Except as provided in subsections (c) and (d), the bureau shall:

- (1) issue a motorcycle operator's license; or
- (2) validate an operator's, a chauffeur's, or a public passenger chauffeur's license for motorcycle operation upon a highway by endorsement;

to a person who meets the conditions in subsection (b).

(b) A person must meet at least one (1) of the following conditions to obtain a license or validation under subsection (a):

- (1) Satisfactorily complete the written test, hold a motorcycle learner's permit for at least thirty (30) days, and:

- (A) satisfactorily complete an approved operational skills test; or

- (B) satisfactorily complete a motorcycle operator safety education course approved by the ~~department of education as set forth in IC 20-30-13-9.~~ **Indiana criminal justice institute.**

- (2) Hold a current motorcycle operator endorsement or motorcycle operator's license from any other jurisdiction and successfully complete the written test.

(c) The bureau may not issue a motorcycle operator's license or endorsement to an individual less than sixteen (16) years and thirty (30) days of age.

(d) If an applicant for a motorcycle license or license endorsement is less than eighteen (18) years of age, the bureau may not issue a license or validate a license described in subsection (a) if the applicant is ineligible under IC 9-24-2-1.

(e) The bureau shall develop and implement both a written test and an operational skills test that must be designed to determine whether an applicant for a motorcycle operator's license or endorsement is competent to operate a motorcycle upon a highway. The written test must be made available at license branch locations approved by the

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bureau. The operational skills test must be given at locations designated by the bureau. The bureau shall adopt rules by July 1, 2007, under IC 4-22-2 to establish standards for persons administering operational skills tests and the provisions of the operational skills test. An individual applying for a motorcycle operator's license or endorsement must pass the written exam before taking the operational skills test. If an applicant fails to satisfactorily complete either the written or operational tests, the applicant may reapply for and must be offered the examination upon the same terms and conditions as applicants may reapply for and be offered examinations for an operator's license. The bureau shall publish and make available at all locations where an individual may apply for an operator's license information concerning motorcycle operator licensing or endorsement.

(f) An individual who:

(1) has held a motorcycle learner's permit for at least thirty (30) days; or

(2) holds a temporary motorcycle learner's permit, has successfully completed an approved motorcycle driver education and training course, and possesses a valid operator's, chauffeur's, or public passenger chauffeur's license;

may apply for a motorcycle operator's license or endorsement not later than the expiration date of the holder's permit. However, not more than three (3) examinations may be allowed a holder during the period the permit is valid. A holder of a learner's permit or a temporary learner's permit who does not pass the written and operating skills examination during the period for which the permit is valid must obtain a new learner's permit.

SECTION 17. IC 20-19-2-8, AS AMENDED BY P.L.101-2009, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) In addition to any other powers and duties prescribed by law, the state board shall adopt rules under IC 4-22-2 concerning, but not limited to, the following matters:

(1) The designation and employment of the employees and consultants necessary for the department. The state board shall fix the compensation of employees of the department, subject to the approval of the budget committee and the governor under IC 4-12-2.

(2) The establishment and maintenance of standards and guidelines for media centers, libraries, instructional materials centers, or any other area or system of areas in a school where a full range of information sources, associated equipment, and services from professional media staff are accessible to the school

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community. With regard to library automation systems, the state board may only adopt rules that meet the standards established by the state library board for library automation systems under IC 4-23-7.1-11(b).

(3) The establishment and maintenance of standards for student personnel and guidance services.

~~(4) The establishment and maintenance of minimum standards for driver education programs (including classroom instruction and practice driving) and equipment. Classroom instruction standards established under this subdivision must include instruction about:~~

~~(A) railroad-highway grade crossing safety; and~~

~~(B) the procedure for participation in the human organ donor program;~~

and must provide, effective July 1, 2010, that the classroom instruction may not be provided to a child less than fifteen (15) years and one hundred eighty (180) days of age.

~~(5)~~ (4) The inspection of all public schools in Indiana to determine the condition of the schools. The state board shall establish standards governing the accreditation of public schools.

Observance of:

(A) IC 20-31-4;

(B) IC 20-28-5-2;

(C) IC 20-28-6-3 through IC 20-28-6-7;

(D) IC 20-28-9-7 and IC 20-28-9-8;

(E) IC 20-28-11; and

(F) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, and IC 20-32-8;

is a prerequisite to the accreditation of a school. Local public school officials shall make the reports required of them and otherwise cooperate with the state board regarding required inspections. Nonpublic schools may also request the inspection for classification purposes. Compliance with the building and site guidelines adopted by the state board is not a prerequisite of accreditation.

~~(6)~~ (5) Subject to section 9 of this chapter, the adoption and approval of textbooks under IC 20-20-5.

~~(7)~~ (6) The distribution of funds and revenues appropriated for the support of schools in the state.

~~(8)~~ (7) The state board may not establish an accreditation system for nonpublic schools that is less stringent than the accreditation system for public schools.

~~(9)~~ (8) A separate system for recognizing nonpublic schools under

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1 IC 20-19-2-10. Recognition of nonpublic schools under this
 2 subdivision constitutes the system of regulatory standards that
 3 apply to nonpublic schools that seek to qualify for the system of
 4 recognition.

5 ~~(10)~~ (9) The establishment and enforcement of standards and
 6 guidelines concerning the safety of students participating in
 7 cheerleading activities.

8 (b) Before final adoption of any rule, the state board shall make a
 9 finding on the estimated fiscal impact that the rule will have on school
 10 corporations.

11 SECTION 18. IC 20-25-13-5, AS ADDED BY P.L.1-2005,
 12 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2010]: Sec. 5. Development and implementation of a staff
 14 performance evaluation plan for each school is a condition for
 15 accreditation for the school under ~~IC 20-19-2-8(a)(5)~~.
 16 **IC 20-19-2-8(a)(4).**

17 SECTION 19. IC 20-27-8-10, AS ADDED BY P.L.1-2005,
 18 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2010]: Sec. 10. (a) An individual who does not have at least
 20 thirty (30) days experience in driving a school bus during the three (3)
 21 year period immediately preceding the effective date of the individual's
 22 assignment as a school bus driver for a public or nonpublic school that
 23 is accredited by the state board within Indiana shall satisfactorily
 24 complete a preservice school bus driver safety education training
 25 course. The course may not exceed forty (40) hours.

26 (b) Course attendance must be completed:

- 27 (1) before the assignment of an individual required to take the
 28 course as a school bus driver; or
 29 (2) if immediate assignment is necessary, upon the completion of
 30 the next scheduled course following the assignment.

31 (c) The ~~state superintendent~~ **Indiana criminal justice institute**
 32 shall provide instructors, adequate meeting facilities, registration
 33 forms, a uniform course of instruction, and all other necessary
 34 materials for the preservice school bus driver safety education
 35 meetings, **as provided under IC 5-2-6-28.**

36 SECTION 20. IC 20-28-11-4, AS ADDED BY P.L.1-2005,
 37 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2010]: Sec. 4. Development and implementation of a plan is
 39 a condition of accreditation under ~~IC 20-19-2-8(a)(5)~~.
 40 **IC 20-19-2-8(a)(4).**

41 SECTION 21. IC 20-32-5-17, AS ADDED BY P.L.1-2005,
 42 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2010]: Sec. 17. (a) If a nonpublic school seeks accreditation as authorized under ~~IC 20-19-2-8(a)(5)~~, **IC 20-19-2-8(a)(4)**, the governing body of the nonpublic school is entitled to acquire at no charge from the department:

- (1) the ISTEP program test; and
- (2) the scoring reports used by the department.

(b) The nonpublic school seeking accreditation must:

- (1) administer the ISTEP program test to its students at the same time that school corporations administer the test; and
- (2) make available to the department the results of the ISTEP program testing.

SECTION 22. IC 20-33-3-7, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) This chapter applies to a child less than eighteen (18) years of age who is employed or is seeking employment in Indiana.

(b) A child less than eighteen (18) years of age who is a resident of Indiana and who requires an employment certificate shall obtain the employment certificate from the issuing officer of the:

- (1) accredited school (as described in ~~IC 20-19-2-8(a)(5)~~ **IC 20-19-2-8(a)(4)**) that the child attends; or
- (2) school corporation in which the child resides.

(c) A child less than eighteen (18) years of age who is not a resident of Indiana and who requires an employment certificate to work in Indiana shall obtain the certificate from the issuing officer of the school corporation in which the child is:

- (1) employed; or
- (2) seeking employment.

The judge of a court with juvenile jurisdiction may suspend the application of this chapter in cases involving juvenile delinquents or incorrigibles whenever, in the opinion of the judge, the welfare of a child warrants this action.

SECTION 23. IC 20-33-3-8, AS AMENDED BY P.L.1-2007, SECTION 147, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) The issuing officer in each accredited school (as described in ~~IC 20-19-2-8(a)(5)~~ **IC 20-19-2-8(a)(4)**) shall be an individual who is:

- (1) a guidance counselor;
- (2) a school social worker; or
- (3) an attendance officer for the school corporation and a teacher licensed by the division of professional standards of the department under IC 20-28-4 or IC 20-28-5;

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1 and designated in writing by the principal.

2 (b) During the times in which the individual described in subsection
3 (a) is not employed by the school or when school is not in session, there
4 shall be an issuing officer available:

5 (1) who is a teacher licensed by the division of professional
6 standards of the department under IC 20-28-4 or IC 20-28-5; and

7 (2) whose identity and hours of work shall be determined by the
8 principal.

9 SECTION 24. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
10 **SECTION, "institute" refers to the Indiana criminal justice**
11 **institute established by IC 5-2-6-3.**

12 (b) **Notwithstanding IC 5-2-6-25, IC 5-2-6-26, and IC 5-2-6-27,**
13 **all as added by this act, the institute shall carry out the duties**
14 **imposed upon the institute under IC 5-2-6-25, IC 5-2-6-26, and**
15 **IC 5-2-6-27, all as added by this act, under interim written**
16 **guidelines approved by the executive director of the institute.**

17 (c) **This SECTION expires on the earlier of the following:**

18 (1) **The date rules are adopted under IC 5-2-6-25, IC 5-2-6-26,**
19 **and IC 5-2-6-27, all as added by this act.**

20 (2) **December 31, 2011.**

21 SECTION 25. **An emergency is declared for this act.**

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